

SUBDIVISION MEETING
July 28, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Lindsay Morgan, Cheryl Green, Gene Leuwer, John Herrin, Bill Summers, Eric Schindler, Paul Spengler, Jeff Larson, Ron Whitmoyer, Curt Chisholm, Diana Brodston, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Chairman Tinsley: Good Morning, and welcome to the regularly scheduled Thursday morning Public Meeting, Subdivision Meeting. Second item on the agenda this morning, well first item on the agenda, actually is to find my pen. And the second item is you have a sign-in sheet down there, right in front of Paul Spengler. Paul, if you wouldn't mind start passing it around, making sure people know they can sign in for us. If you receive a ticket this morning, parking ticket while participating in local government, just contact Carole Byrnes on the third floor and she'll take care of it for you.

I'm Commissioner Tinsley, to my left is Commissioner Varone, to her left is Carole Byrnes, to her left is Maria Penna, a new employee with our County. This is her second day today, I believe. To my right is Commissioner Murray, to his right is Ron Alles, our Chief Administrative Officer, and to his right is Jerry Grebenc, our Director of Community Planning and Development. Second item on the agenda this morning is the Consent Action Items. Ron.

Consent Action Items.

Ron Alles: Thank you Mr. Chairman. We have quite a few consent agenda items. The first series relates to a refund of taxes paid in error. There's a dozen or so taxpayers who paid taxes in error and we are issuing refunds on those. The second is a resolution directing the County Treasurer, Clerk and Recorder to give notice to all persons who may have delinquent properties for 2001. This is standard procedure. We need to notify them that they are delinquent. The third is a request for a one-year extension of the preliminary plat approval for the Summers Minor Subdivision. The Applicant is Bill Summers. The fourth is a resolution to adopt a National Incident Management System. Mr. Spengler is here. You may wish to pull that from the agenda, or the Consent Agenda, and have him speak to that. The next is the Annual Authorization Form for Payroll. The State Department of Disaster and Emergency Services reimburses the County for half of our DES Coordinators salary, Mr. Spengler. This is the agreement to do that. There's a Memorandum of Understanding between the northern Tier Interoperable Consortium and the Lewis and Clark County Sheriff's Office, Lewis and Clark County, the Montana Army National Guard. This is just an MOU on how we will interconnect our radio systems. The Rocky Mountain Development Council Emergency Shelter Grants Program, is on this agenda. Mr. Gene Leuwer is here to speak to that. You may wish to pull that from the Consent Agenda. We have an agreement with DPHHS/Addictive and Mental Disorders Division. This is a contract whereby the County puts it's tax monies into this program and then it will reimburse that money for Medicaid. We get to leverage that money and actually turn that money, I can't remember the exact proportion, but I believe it's like 2 to 1 or almost 2 to 1. And the last item is an independent contractor contract, I would like to pull that from the Consent Agenda Item. It has to do with the project that we undertook at the Fairgrounds. We had a couple of Commissioners that were out. I did discuss with Chairman so we could get that project done, prior to this Stampede and Fair. That's it.

Chairman Tinsley: Great. Commissioners, do you wish to pull any other items from the Agenda. We have three, so far. 2D, 2G, 2I. Hearing none, is there a motion for the other items?

Commissioner Murray: I move for approval of the Consent Agenda.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second for Consent Items 2A, B, C, E, F, and H. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Consent Action Item No. 2D – Resolution to adopt the National Incident Management System or NIMS. Paul Spengler. Welcome Paul.

Paul Spengler: Good Morning Commissioners. The National Incident Management System is required by the Department of Homeland Security for all jurisdictions including Helena and East Helena. I've prepared similar resolutions for those two City Commissions to adopt a National Incident Management System, which is a National Incident Command System. We have been using ICS in the County now for nearly 20 years. It works well. It's a Division of Labor to manage emergencies and disasters, and we will continue to do so. And this is formal recognition that we will adopt NIMS, which is simply a National Incident Management System. I'd be glad to answer any questions you may have.

Chairman Tinsley: Questions for Mr. Spengler. Hearing none is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve a resolution to adopt a National Incident Management System, and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Paul Spengler: Thank you.

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone:

Commissioner Varone: I would like to take a moment to thank Paul for all of his hard work. He continues to delight us with all of the information he provides us and with the programs he is able to bring to our community to continue the safety that we all enjoy.

Paul Spengler: Thank you Commissioner Varone.

Chairman Tinsley: Commissioner Varone, I was just proud to be the one to inform Mr. Spengler of the earthquake the other night. He didn't know about it, but I did. (Laughter.)

Paul Spengler: He did. (Laughter.)

Chairman Tinsley: Thank you Paul. Next item on the agenda is Consent Action Item No. 2G – The Rocky Mountain Development Council Emergency Shelter Grants Program, 2005-2006 Work Plan. With us this morning is Gene Leuwer, Director of the Rocky Mountain Development Corporation. Mr. Leuwer.

Gene Leuwer: Thank you.

Chairman Tinsley: Or Council. I said Corporation. (Laughter.)

Gene Leuwer: Thank you Mr. Tinsley, Commissioners. This Rocky Mountain Development Council receives from the State of Montana, \$25,189.00 this year. It's money appropriated by Congress to HUD. It comes into the State of Montana. Its use is for emergency services for homeless folks. Our Board of Directors, for a number of years, has subcontracted that money to for organizations in Helena; Gods Love, The Helena Indian Alliance, The Friendship Center and Montana Youth Homes. Part of the Federal requirements are that the Board of Commissioners, acknowledge that they review the plan so we'd ask you to do that. I think it's been submitted to you. Essentially, 100% of the money that our organization receives, we subcontract to the folks that provide direct either shelter or health services to homeless individuals in the Community. I'd be happy to answer any questions.

Chairman Tinsley: Questions for Mr. Leuwer? Hearing none, is there a motion?

Commissioner Murray: Mr. Chair, I would move that Lewis and Clark County adopt the Emergency Shelter Grants Program that was submitted to us by the Rocky Mountain Development Council and authorize the Chair to sign the document to the State that we have adopted it.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Any further discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0

Next item on the agenda is Consent Action Item Number 2I. Mr. Alles.

Ron Alles: Mr. Chairman, thank you. This is a contract with Helena Sand and Gravel in Lewis and Clark County, the scope of which was to place some road mix in the middle of the arena. We've got parking now, on this road mix for approximately 200 cars. I just wanted to elaborate a little bit and let you know and the public know, that these funds were a part of the mill levy. It's part of the foot print plan. None of the project will need to be re-done. It fits into the full scope of work that will be completed out there in the next 2 to 3 years. And the reason for the rush on this as I stated earlier, we did have a couple of Commissioners out of town. Mr. Hatch, our Fairgrounds Coordinator, identified this over-flow parking as one of his biggest concerns. After last years Stampede this helps mitigate that problem. I was out there last night. The project is complete. I actually parked there and it looks very nice. So this is a nunc pro tunc signing on behalf of the Board of County Commissioners.

Chairman Tinsley: Questions for Staff? Is there a motion?

Commissioner Murray: Mr. Chair, I move approval of the nunc pro tunc action allowing or approving the contract between the County and Helena Sand and Gravel, and signed by the Chair, for the entrance way into the Fairgrounds.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Any discussion?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: On the way back from the Rocky Mountain Front yesterday, Commissioner and I, Commissioner Varone and myself, took a look at the project and I'm happy to report that I think it's a project that needed doing, although I was apprehensive about it.

That's a nice piece of work.
Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Just to say a second to what Commissioner Murray just did. We thought it would be important, considering all of the activity that's taken place in the last couple of weeks from the private sector, to review what took place and the location that the pad was established won't have to be removed, because once the new building is built that will be the parking lot adjacent to the building for access into the facility. And it looks great out there and the folks who put the product down, did a great job.

Chairman Tinsley: I would like to third both my fellow Commissioner's comments. You know there's a lot of change going on out there at the Fairgrounds, and it's a very positive change. And change is difficult for some people and we understand that. We're going to get through this difficult period. There's going to be some changes happening out there at the Fairgrounds, and you're starting to see it right now. By this time in 2 years from now, it's going to be so different out there and there's going to be this magnificent new building, a set of buildings, a new plan, it's just going to be very nice. I'm very proud of it and I think the other 2 Commissioners will be as well.

Commissioner Varone: Mr. Chairman, I think this would be an opportune time. Commissioner Murray and I also went out by the duck pond, and I just wanted to comment, several folks, I don't even know who they were, because I was out of town, but they've done a great job in cleaning up the area. What once was, only a few weeks ago, looked like a dumping ground for a variety of things, it has been cleaned up, and the new tubes for the fishing debris, a couple of those have been installed, it's looking pretty nice out there.

Chairman Tinsley: Thank you.

Commissioner Murray: Mr. Chair, we are, I want to add, we are waiting for the development and the hearing on the work plan for the pond, be it duck or fish or both, in the future.

Chairman Tinsley: Ok. Next item. Oh, did we vote on this yet? Did we vote?

Commissioner Murray: No.

Ron Alles: I don't think so. (Laughter)

Chairman Tinsley: We have a motion?

Ron Alles: Yes, you did vote.

Request for a One-Year Extension of Preliminary Plat Approval for Silver Creek Commercial Subdivision to May 27, 2006.

Chairman Tinsley: Ok. (Laughter.) I can't remember after all those long political speeches there. Ok. Item number 3, a request for a one-year extension of Preliminary Plat approval for Silver Creek Commercial Subdivision to May 27th, 2006. This was before us on last Tuesday. The Applicant is Phil Wirth, it's tabled from last Tuesday. The Commission wanted to have an explanation on why we are getting this actually 2 months to the day from when it was due to be extended. I guess we're waiting on this. Please come forward and state your name for the record. I was waiting for one of our Planners to get up.

My name is Jeff Larson. I'm with Stahly Engineering and I'm representing Phil Wirth, the Applicant this morning. Phil apologizes. He did want to be here but had a previous commitment. First of all, I just flat out want to apologize for it being late. It was an over-sight

both on our part and on Phil's part. There's been a little miscommunication between us on who's responsible for what on this project that was basically the reason this occurred. And we sincerely apologize. The project is moving forward. We're applying for the ground water permit for the wastewater treatment system and we're working on water rights right now. As you are aware those two items can be a long drawn out process and it's still going to be a while before you see much happening on that. And then on a related matter, we're also working with Phil on the Subdivision directly north of the Silver Creek, which is Bridge Creek, and it will also require an extension and it's in the same position that this one is, so I apologize in advance because you're going to see that here within the next few weeks.

Chairman Tinsley: That was going to be another question. Those were passed at the same time weren't they?

Jeff Larson: Yes. So, I don't have a good explanation beyond that.

Chairman Tinsley: Questions for Mr. Larson? Thank you Mr. Larson.

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray?

Commissioner Murray: I don't have a question, I have a statement.

Chairman Tinsley: Thank you Mr. Larson.

Jeff Larson: Thank you.

Chairman Tinsley: What's the pleasure of the Commission?

Commissioner Murray: Mr. Chair, I would move approval of the extension of the Silver Creek Commercial Subdivision.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Discussion? Commissioner Murray?

Commissioner Murray: Mr. Chair, Commissioner Varone. What appears to be an inconsistency perhaps, is if you noticed in our consent agenda, I let slide a request for an extension that mirrors this particular extension from Mr. Summers. I ran into Mr. Summers in late May early June, on his way to Planning to put in the request for the extension. So, the difference, I believe, is that when professionals versus a private individual is handling a request for an extension, the professionals need to meet a higher standard, that we expect them to know all of the regulations. When a private citizen is handling his own subdivision we expect them to be aware of the regulations, but I don't think necessarily we expect them to meet the same standards. The other thing that I would like to point out, Mr. Chair, to the public, I know are familiar with it, in our new subdivision regulations, automatically, subdivisions will be granted at 3 year approval, so it will only be the fourth and final year they can come in and request an extension for. So we've corrected this over-sight in our new regulations, I believe. Thank you.

Chairman Tinsley: Further discussion? There's a motion and a second. All in favor of the motion signify by saying Aye. Aye. Opposed, same sign. Motion passes 3-0. The subdivision has been extended to May 27th, 2006. Is that correct Jerry? Thank you Mr. Larson.

Proposed Minor Subdivision, Preliminary Plat /Site Plan to be known as Helena School Tracts, Lot 29 Amended 2.

Next item on the agenda is a proposed minor subdivision, preliminary plat site plan to be known as Helena School Tracts, Lot 29 Amended 2. The Applicants are John and Diana Brodston, the Planner is Frank Rives, this was continued from July 26th, 05. Today is decision day. Are there any questions for Mr. Rives, or Mr. Rives, do you have anything to offer the Commission?

Frank Rives: No Sir.

Chairman Tinsley: First thing we need to do is, we have a couple of variances to deal with, correct?

Frank Rives: Yes.

Chairman Tinsley: Ok. The first variance request we have for this particular subdivision, is a variance from the County road standards, number 3 Typical, Roadway section 3.3 and 3.4. Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the variance request to deviate from the "no road standard" and authorize Chair to sign. I have a statement after the motion.

Chairman Tinsley: We have a motion. Is there a second? Is there a second? Is there a second? I'll second for discussion purposes. Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. The reason that I recommend approval of this variance is that this is a new subdivision. Folks complied with all of the regulations and were adding just one house and the access isn't going to change significantly, if at all. And I think it's appropriate to allow this to happen. I won't be voting yes on the second one, however, but I think that this is a reasonable request at this time.

Chairman Tinsley: Further discussion? Commissioner Varone, I tend to agree with you on this particular one. I normally don't agree with, at least at the beginning, I don't agree with these types of variance requests, but this particular one I do agree because I think it's not going to change the access. And I think, it's not necessarily a mute point, but it's as mute as it can be in this particular instance so I'm going to support the motion.

Commissioner Murray: Mr. Chair, Commissioner Varone.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: I'm going to vote no on the recommendation, because I believe that in the previous work that Mr. And Mrs. Brodston did in the subdivision we approved, they already meet the standards and I think it's a slam dunk for them, and a variance isn't required. I'm looking at it obviously than both of you, that's why.

Chairman Tinsley: Further discussion? Hearing none, we have a motion and a second on this variance request. All those in favor of this motion signify by saying Aye. Aye.

Commissioner Varone: Aye.

Chairman Tinsley: Opposed same sign.

Commissioner Murray: Aye.

Chairman Tinsley: Motion passes 2-1.

The next variance request we have is a variance from Appendix L, Fire Protection Standards Part 2. 18.4-1. They list on here a per lot fee of \$1,000.00, I believe the variance request is to waive the entire package, Jerry, if I'm not mistaken. I don't think you can just waive a portion of it. If you did, I think you would still apply the other two. So that's the request I think they're trying to make.

Jerry Grebenc: Mr. Chairman, Commissioners. I would agree. In general everybody looks at the \$1,000.00 per lot. That's probably the reason they way its written. Just because the \$1,000.00 per lot, in general, is far less expensive then putting in the on-site water. So that's probably the reason why it's written that way. But it is the entire section.

Chairman Tinsley: It is the entire section. So we have a variance request. What's the pleasure of the Commission?

Commissioner Murray: Mr. Chair, I move for denial of the variance request for fire protection standards.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Discussion?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. At the Tuesday presentation, I asked a question about whether or not, when the applicant originally came in if they would have been required to pay the same amount they originally did or would they have to pay an additional amount, and the response was they would have to pay an additional amount, and would probably at that time would have been \$250.00. Since that time with the adoption of the new regulations the requirement in part is one of the selections is \$1,000.00 and I feel that we have an obligation to hold to that standard.

Chairman Tinsley: Further discussion?

Commissioner Murray: Mr. Chair, Commissioner Varone.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: I agree with Commissioner Varone's standards. In reviewing this particular request for a variance I'm in a bit of a quandary, or was. It's unfortunate that the additional rental unit was not included in the previous subdivision, and the fee could have been paid then. But since we've adopted new standards, I'm not prepared to vary from the standard.

Chairman Tinsley: Further discussion? Hearing none, we have a motion and second to deny the request to waive the fire protection standards for this subdivision. All in favor of the motion signify by saying Aye. Aye. Opposed, same sign. Motion passes 3-0.

Chairman Tinsley: Commissioner's you have before you now, a subdivision with 9 conditions of approval. Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the proposed minor subdivision preliminary plat site plan to be known as Helena School Tracts, Lot 29 Amended 2, and authorize Chair to sign, including the conditions of approval and the draft.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second.

Commissioner Murray: Mr. Chair?

Commissioner Murray: I believe there are variances involved here too.

Chairman Tinsley: We just did the variances.

Commissioner Murray: Ok.

Chairman Tinsley: We passed one and we denied one. Moving right along. Is there any discussion? Any amendments? Commissioners, you have before you a subdivision request, proposed minor subdivision, preliminary plat, site plan, to be known as Helena School Tracts, Lot 29 Amended 2 with one variance that has been passed with 9 conditions of approval. All in favor of the motion signify by saying Aye. Aye. Opposed, same sign. Motion passes 3-0. Thank you Frank.

Frank Rives: Thank you.

Proposed Major Subdivision, Preliminary Plat to be Known as Hoff Lot 3 Amended.

Chairman Tinsley: Ok, the next item on the agenda is a proposed major subdivision, preliminary plat to be known as Hoff Lot 3 Amended. The Applicant is John Herrin. The Planner is Jerry Grebenc. This is continued from July 26th of 05. It says decision. We don't have a decision today because we have not heard it. Jerry, we're also going to need to entertain a request from the Applicant to extend this, I believe.

Jerry Grebenc: Correct Mr. Chairman.

Chairman Tinsley: Is the Applicant present? Mr. Herrin, are you prepared to go forward this morning?

Mr. Herrin: Yes.

Chairman Tinsley: You understand we don't make a decision in today's meeting and the time expires tomorrow. We need to have your request from us, an extension. Are you willing to do that?

Mr. Herrin: Yes.

Chairman Tinsley: Until Tuesday of next week?

Mr. Herrin: Ok.

Chairman Tinsley: Is that all right with the Commission? By consensus? Do we need a motion or is that all right?

Unknown: Motion.

Chairman Tinsley: A motion.

Commissioner Murray: So moved.

Chairman Tinsley: We have a motion and a second to extend the review period to August 2nd,

Tuesday of next week, at the request of the Applicant. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0. Mr. Grebenc.

Jerry Grebenc: Mr. Chairman, Commissioners. What you have before you is a major subdivision. It's located adjacent to and east of Emerald Ridge Road, which is a little northeast of the Fox Ridge Golf Course off of Lake Helena Drive. The Applicant's proposing 12 lots. Each of those would be for a single-family dwelling. The 16-acre tract would be divided into lots ranging in size from 1.31 acres to 1.47 acres. Those lots would be served by individual wells and individual on-site wastewater treatment systems and utilities. And access to the lots would be from Emerald Ridge Loop Road, via internal access roads. This is an aerial photo from 2004 of the subject property at the time. You can kind of get a sense that at one time it was used for dry land agriculture, probably wheat. Here's the proposed preliminary plat. You can see Emerald Ridge Road running along the western boundary, along the southwestern corner and then that turns southward. The internal access roads is proposed is you got a loop road that comes from Emerald Ridge Loop Road to the north and then back to the west to Emerald Ridge Loop Road. And then there's a cul-de-sac that accesses the lots to the east. This is a photo of the subject property. You're looking northeast standing on Emerald Ridge Loop Road, looking towards the landfill itself. This is another view directly east. This is a view standing down where Emerald Ridge Loop Road turns southwards, you're look northeastward again up towards the landfill and you can see the landfill from here. As far as agriculture goes, the soils identified on the property are identified as being Statewide importance, but there's no irrigation facilities or water rights associated with the property and most of the agriculture in this area is limited to dry land farming and low intensity grazing. Some of the adjacent properties to the southeast, are utilized for agricultural purposes that's primarily dry land farming. With regards to wastewater and water, individual on-site wastewater treatment systems are proposed. The Health Department did do site evaluations for each of the propose drain fields. The soil conditions and the lot sizes should be adequate for the on-site wastewater treatment systems. Additionally, the Environmental Health Department did conduct a non-degradation analysis on those systems and they were found to be acceptable. With regards to water, individual wells are proposed and well logs from the general vicinity do indicate that there should be adequate water for the proposed subdivision. As far as roads and access, access to the property is via Lake Helena Drive, via Emerald Ridge Loop Road, and then via the proposed internal access roads. Those internal access roads would need to be constructed to the County gravel standards. That is the new standard. Additionally, this proposal does provide for 2 ingress/egress routes. That's that loop in and out of the subdivision. The current subdivision regulations would require that Emerald Ridge Loop Road meet the new County road standards. Emerald Ridge Loop Road was constructed to the old County standards and this subdivision now falls under the new standards. The Applicant has requested a variance to not construct Emerald Ridge Loop Road to the new standards. And it's kind of an interesting situation, and I'll show you the maps soon, but we've got a road that currently meets the old County gravel standard. To meet the new regulations: 1) the road northward, to provide 2 ingress/egress routes, the road northward, would have to meet the new gravel standard and then it's Staff's recommendation, because of the ADT's, the Average Daily Trips southward, that are generated by this proposal with the other lots, and then the Emerald Ridge Major Subdivision which the Board actually granted final plat approval to the first phase, I believe, the ADT's would necessitate paving of the road, and I'll get into that with a little more detail. You can see the cursor from the mouse. This is the subject property. Down to the south of the property that I'm kind of outlining with the cursor, this is the Emerald Ridge Loop major. You can see all the test holes that were done for that project. That project is going to have to hard surface Emerald Ridge Loop Road from Topaz Court, which is this cul-de-sac that I'm identifying. But they'll have to hard surface the road from here all the way down to Lake Helena Drive. With the ADT's from the lots that currently exist, and then from the 12 lots up here, its Staff's believe that once this road is hard surfaced, the majority of those people are going to drive southward. So we've made a recommendation to hard surface this portion of Emerald Ridge Loop Road to the County Standards, and then to meet, additionally to meet County Road standards the rest of Emerald Ridge Loop Road would need to be brought

up to County gravel standard. It's from these standards that the Applicant is requesting his variance, so hopefully, I've kind of made that clear. If not please ask any questions. This is a photo of Emerald Ridge Loop Road looking southward. The property was actually to my back, when I took the photo, and Emerald Ridge Loop Road major is down here kind of at the horizon. This is from the same location but looking directly west. That's the portion of the road that abuts the southwestern corner of the property and then it turns right up along in front of these houses. With regards to fire protection, the property is in the Lakeside Fire Service Area. The subdivision regulations require \$1,000.00 per lot. There is an option of on-site water, but in general, the Applicants are going to request the \$1,000.00 per lot and they have that option. Also, a vegetation management plan would need to be prepared under the subdivision regulations and that would have to be done by a qualified fire management specialist. With regards to parkland dedication, the Applicant would be required to provide, if it was land in lieu of cash, it would be .805 acres of parkland. The Applicant has chosen to do a cash in lieu and the Applicants estimate of cash in lieu of parkland is \$2250.00. That was brought before the City-County Parks Board on June 1st. They considered the Applicants request. The Board did not agree with the estimate and has recommended that the Applicant provide additional information on the market value. Basically they want to see a new market analysis from a realtor. With regards to variance requests, I touched on the request, the variance request not to construct Emerald Ridge Loop Road to the new County road standards. That would be from the gravel standard as well as Staff's recommendation for part of the road to be brought up to an asphalt standard. The other variance that is requested is to permit a triple fronted lot. That's lot 7 and I'll bring up the plat again. As you can see, this is the proposed loop road that comes through the subdivision and this is the proposed cul-de-sac. Lot 7 is what we'd classify as a triple fronted lot. Our standards require a variance from any lot that's double fronted and anything beyond on that. And this is what we would classify as a triple fronted lot. And the Applicant has requested a variance from that standard. Again, this is a location map of the subject property. Staff made this proposal to the Planning Board approximately a month ago. Staff did recommend approval to the City County Consolidated Planning Board subject to 20 conditions of approval. The Planning Board held discussions. Those discussions centered primarily on road construction. Why the road needed to be constructed to a paved standard and a travel standard. The Planning Board also discussed water issues. At the conclusion of the hearing the Board recommended denial of both variances, and hence, that put the subdivision in non-compliance with our subdivision regulations and the planning board basically had to recommend denial of this. And with that I would be happy to answer any questions that the Board might have.

Commissioner Murray: Mr. Chair, Commissioner Varone.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Grebenc, it appears from the document that Lot 5 is also a double-fronted lot. Doesn't it require a variance? Or am I misreading the map here?

Jerry Grebenc: Mr. Chairman, Commissioners. At first blush, you would look at it and it would seem to be a double fronted lot, but to necessitate that you'd need the road to be on 2 sides. I know this might seem a bit confusing but if I take lot 5 and we've got the access road here, if there was a road right here, and even if this wasn't here, that would classify as a double-fronted lot. With regards to Lot 7, if this portion of Emerald Vista Court as its proposed wasn't located there, it would still be a double-fronted lot because you've got a road on two complete sides, you're back to back on a road. This is what would be classified as a corner lot, which is fairly standard in a subdivision, but I can understand any thoughts that that could be a double fronted lot, technically it wouldn't be.

Commissioner Murray: Thank you.

Chairman Tinsley: Further questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray, Jerry. Absent all the information that I read was a question that I think is very important. Would you bring up the slide that shows that area and where the roads will be completed? That one. Of all of the construction that's taken place out there, all of it is relatively new, did not all of those people sign a waiver of a right to protest and RID?

Jerry Grebenc: That is probably 90% of those have. There were some exemption lots out there and that does bring up a good point that I meant to mention, that you probably saw in the transmittal memo after the Board made their decision, they did pass a resolution requesting that the County Commissioners include all benefiting properties out here. Basically, they asked the Board to take the initiative to create an RID and stick everybody in it and construct these to standard and create a road maintenance district.

Commissioner Varone: It seems to me that that would be the appropriate course for the Commission to take, rather than requiring one individual to complete the road, well, it would be two sub-dividers to complete the road, when a considerable amount of subdividing has already taken place. So, I was just wondering, I think that is an important thing that the Commission should consider.

Jerry Grebenc: Correct, and we did discuss that. The Board asked if they could put a condition of approval on the Applicant to create an RID and I said you could, but, that's, that could be a real onus on an individual, because if they're not successful, they have to come back before the Board and ask to have that condition removed. It's difficult for one individual to have that responsibility, when you have so many lots, and Staff tried to steer the Planning Board away from putting that onus onto the Applicant, for the whole area.

Chairman Tinsley: Excuse me Commissioner Varone. In a case like this though, where we know the majority of the benefiting properties have waived their right to protest, would it not make sense to do it? Obviously, all things being equal, it wouldn't make sense to put that onus, but in this case we do know that a majority have waived their rights, so it's probably going to pass.

Jerry Grebenc: Yes. It would just take someone to initiate the process and I suspect that there's not going to be a lot of interest. There may be interest from the people up there, but in general, as you know, RID's are not an inexpensive affair, so the initiative may need to come from the Board.

Chairman Tinsley: Ok.

Ron Alles: If I might add, Mr. Chairman, as well, an individual or any group of individuals does not have the authority to create the RID, it's this Board that has the authority to create it, so by requiring it in the conditions that they have to create it, is not something they are capable of doing. It's this Board.

Commissioner Murray: Mr. Chair, Commissioner Varone, Mr. Grebenc.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: It appears though that the need for a paved section is being driven by this development. Rather than the people that have built homes and live there now.

Jerry Grebenc: Well, this is always a difficult matter. Because as I mentioned earlier, this section of the road is going to be paved by the developers of the Emerald Ridge Loop Major subdivision which is I believe, I probably need to look in the (sic), but just off the top of my head, I believe it's 60 to 80 lots, which puts it well over the threshold for having to be paved. If you start to count the other lots that are accessing this, including the proposal, and once that road is paved, that's the route most people are going to take because it's not going to be full of potholes. These are all privately maintained roads. An asphalt road attracts vehicle traffic. So you add these additional trips per day and yes, the proposal in addition to the existing lots, do necessitate hard surfacing, in Staff's estimation.

Chairman Tinsley: Other questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray, Jerry. The northern most brown section that you're requesting the Applicant bring up to County gravel standards. Are they at gravel standards at this time?

Jerry Grebenc: It does meet the old gravel standard, the Typical Section No. 3 and the difference is, off the top of my head, I believe it's an additional 2 inches of top course gravel and 2 inches of base course gravel. It's really the only difference between the two, but it's a substantial difference in long term maintenance care. But that's the big difference between the two.

Commissioner Varone: Thank you.

Chairman Tinsley: Thank you Jerry. We will hear from the Applicant now. Mr. Herrin are you prepared? Do you have anything to add to the debate? Please introduce yourself and give us your address as well.

My name is John Herrin and I live at 1229 Leslie. Commissioner Tinsley, Commissioner Varone, and Commissioner Murray. It's a pleasure to be here to talk to you. You've already seen this division once. This was submitted originally in September and it was denied because of the lack of a loop road, basically, that's why it was denied. Now Jerry can you give me a hint on how I can go back and forth on this?

Jerry Grebenc: Use the rolling mouse, just the mouse.

John Herrin: Ok, Cool. To, does this have an arrow or a point on this thing?

Jerry Grebenc: Use the cursor of the mouse.

John Herrin: I see, there it is. Sorry about that. Originally, the way that this was set up, was this lot layout was basically the same as it was before. The original plans submitted last fall was for a cul-de-sac to be here instead of the loop road construction. Basically, I conceded to that and I created this loop road, basically, it comes back to Emerald Ridge Loop, so, essentially, there's two accesses in and out of the property. Most people will probably go this way to town. It still has this cul-de-sac, and its less than 900' for the criteria for the, a, cul-de-sac design. Essentially, these will have individual wells, individual septic on each one of the lots, so that it looks like that's close to going through the subdivision review process and it will be approved here, hopefully soon. There was some minor issues about conflicts with off-site wells and drain fields. So there was some reconfiguration with Frank Preskar, but that's been resolved, I hope.

I guess the real two things we need to talk about would be the 2-variance requests. The first one we'll talk about is the variance for a double-fronted lot. This was originally approved in the January hearings on this and Commissioner Varone was the one that pointed out that these had been granted quite consistently across the County and their quite common in design. And within the City too. If you can envision a road in the front of a corner lot, and an alley down the way, and basically, the way that this would be is you've got 3 lots on the back side, and that's all this service is, so it's not a heavy traffic issue, it's not a safety issue, it's nothing that I can see as far as the problem I see with the variance process is there's no real clear criteria that says why you would disallow something like this, so it's hard for me to meet that, if I don't know what the exact criteria. In other words there's some safety issue up there, there's some safety issue that I would have to address that. I don't see that in the regulations, so, in essence when I was presenting this to the planning board I thought this was somewhat of a slam-dunk so I didn't get into a lot of the details. I thought it was self-evident and I wrote at the bottom that the Commissioners had already ruled on this and the Planning Board decided that that was one of the major issues for denial. So to basically address the issue that was brought up because I wasn't allowed to present any information on that, they got together in the Planning Board and they went back and forth and decided, without any input, so basically the input is there's no other configuration to make this work. And that was recognized in the Planning Board, and it was also recognized here. There's no other way, I mean you could put a road up here and come back and you'd still have a double-fronted lot, you can have a road here coming back, and you'd still end up with the same situation with a double-fronted lot. The only way that you could do that would be you could come in off of property, and this is owned by Lewis and Clark County. This is an old gravel pit that was used for the landfill. This is landfill property, so physically, I meet the criteria time line, that there's physically no other way to configure this property to be able to allow this access to these back lots. If I had access to this property that I could come off-site and come in, or if I could come in from this neighbors property, I could create it so it would be a double-fronted lot, maybe, but, there's just no other way to configure it. So the physical constraints, I think, are there to meet the criteria for a variance request on that issue. I don't know if it's appropriate for me to stop and allow you to ask questions on that issue, at this point, or do you want to wait until I get done.

Chairman Tinsley: Just go ahead and finish your presentation and we'll ask questions at the end.

John Herrin: Ok. Again, if you looked at it as if you came with a road here, you'd still have a double fronted lot, and same with the configuration, any place you cut the roads, so. I offered to sell this land, portions of it, to the landfill for a buffer. They went through the Scratch Gravel landfill district and they decided that the County did not want to purchase that property, so without that purchase, then basically, I was forced into staying with this configuration to be able to provide service to these lots. The second issue goes back to the paving of the road and also graveling of the road. If we go back to the set-up of the way this is, Emerald Ridge Subdivision, basically 67 lots be created on this, you can see the test pits for this, was required to pave this section of road, and I believe that's a fair burden for that developer to have to take. The vehicle trips will trip 400 vehicle trips on that easily, because you have 67 lots times 10, 6700 vehicle trips, let alone the houses that are already there. My issue that I have trouble with, is basically, the Planning Staff is saying I need to pave this same amount of road that was required for 67 lots, when I'm only doing 12, and the bigger issue is that I don't feel like it trips the 400 trips doesn't even come close, and what I presented to the Planning Staff, and I will present it to you, is that there's 11 existing houses up there right now that service off of this road that have the potential to either go this way, oops, sorry, have the potential to either go to Helena this way or go the longer route, probably this way. Some of these houses that are up here that are included in that will likely go down this way. Now, I've tilled this ground, been out there a lot, and I can't count more than 10 vehicle trips in a day that will drive on this road, and most of them are lookers for looking for real estate reasons, so you've only got a couple of house here, and a few houses along here, they haven't been built out yet. So you take the 11 lots here, and you take

the 12 lots that I have, you come up with 23 lots. 23 lots times 10 comes to 230 vehicle trips. That does not come close to the 400-vehicle trip threshold. And I guess I would say that's arbitrary and capricious if we push it, I would be willing to seek legal action on that issue because I don't think the County can demonstrate that that's meeting that 400 vehicle trip threshold. The same would apply to a god-awful number of roads out there, all across the County, you can look at Fox (sic) Road, there's Lake Helena Drive, right north of here that the County Commissioners approved, they didn't require that he pave that road. There's ungodly number of roads that need fixing. All the ones up on North Montana, if you wanted to look at each one of those developers should have to pave and improve that road, so, to stick one person with the burden of a Peruvian road that doesn't meet the standards of criteria, I think is above and beyond the call and I rather not see an SIG created but keep this at a gravel 2, or gravel 1 standard all the way just because of vehicle trips and I would be willing to pay proportionally based on what my lots are in comparison to everybody else up there, and I think that would be a great benefit to the County. But to force me to have to pave and then gravel this section is probably close to \$80,000 to \$100,000, which is basically all of my profit, and I don't understand why the County can go there. I just doesn't seem right. So, that's where the variances are there. It's a, I guess an issue of fairness. It's an issue of meeting the actual criteria that the County has set up as being standard, and I don't believe that that standard is being fairly applied in this case. I would even be willing to do a traffic count, if that's what's needed to take to prove that we don't hit the 400 threshold, if that's something that we need to. If a year from now, and things are developed out there, I have to do it, and if it trips the 400 vehicle trips, then that could be the criteria, that say, OK, Yeah, lets pave it. But until we see there's actually the traffic there, I don't think that the County Commissioners really want to be forcing this to be a paved road all the way, when there's, like I say, you can just go right across the street there's roads, gravel roads, all around us, and why are these not being required to go up to that standards. So, that's where I'm in on that. Is there any questions I can answer?

Chairman Tinsley: Yeah, I have a question you can answer. It's interesting you bring up fairness and standards and you speak about them like you have a lot of knowledge about them. I'd like to ask you a couple of questions about. Where have you developed out recently or previously?

John Herrin: I did these 5 lots right here.

Chairman Tinsley: Ok, anywhere else?

John Herrin: No.

Chairman Tinsley: I'd like you to refer to the conditions of approval in the Staff transmittal. Not the transmittal but the Staff report to the Planning Department, number 18-f, and have you give me your definition of 18-f.

John Herrin: I'm sorry I don't.

Chairman Tinsley: I'll read it for you. "Prior to filing the final plat, the following improvements shall be installed, or otherwise guaranteed: 18-f: Utilities abutting and available to each lot." You wish to discuss anything about that? You know what I'm referring to?

John Herrin: Yes.

Chairman Tinsley: Ok, I'd be interested in hearing it.

John Herrin: The power line that was in, coming into this property here, was installed in the fall of 2003 and basically there was one of the owners at the end wanted to build as soon they sold the lot and so we worked with Montana Power Company and got that done.

Chairman Tinsley: Did you or did you not attempt to force the landowner to pay for the entire portion of that?

John Herrin: No, I didn't.

Chairman Tinsley: Did you reimburse the landowner who requested a reimbursement from him, a payment that you had requested from him originally?

John Herrin: Yes, I reimbursed him the \$750.00.

Chairman Tinsley: Is there more owed to him now?

John Herrin: No.

Chairman Tinsley: Is there any more owed to him now?

John Herrin: No.

Chairman Tinsley: Did you understand his predicament?

John Herrin: Yes.

Chairman Tinsley: He was guaranteed in the conditions of approval that it would lay on you the utilities.

John Herrin: Yes.

Chairman Tinsley: Do you understand the definition of utilities now, Mr. Herrin?

John Herrin: Yes, yes I do.

Chairman Tinsley: Ok. You understand they include electricity.

John Herrin: Yes.

Chairman Tinsley: Telephone?

John Herrin: Yes.

Chairman Tinsley: And any other utilities that are provided in the area.

John Herrin: Yes.

Chairman Tinsley: Ok.

John Herrin: Well, one of the issues on the telephone, was that it was \$10,000.00 to come in for 4 lots, and with cell phones anymore.

Chairman Tinsley: Not cell phones, telephone only.

John Herrin: Yeah, right. With cell phones coverage people have the ability not to have hard wired and it was unclear in the regulations whether telephones was covered in the utilities.

Chairman Tinsley: It's never been unclear. This is the first instance in my short tenure as a

County Commissioner that it's ever been brought up by a developer. And so it's never been unclear. Because of your actions we have probably had to make it a little bit more clear, because you're the only person that's ever, ever, thought that maybe telephones didn't include a utility as offered.

John Herrin: Right. And you did change it and now I'm planning on putting in telephone and I'm getting bids right now.

Chairman Tinsley: I just wanted to know since we're on an issue of fairness and standards, to see if you, to get your answers on those questions. I appreciate it. Thank you.

John Herrin: I hope that those conditions of whatever, what's going on there, again, it was unclear in my mind whether the telephone was a requirement or not, and since that time it has been clarified though. I have no problems in adding that in.

Chairman Tinsley: Further questions for the Applicant?

Commissioner Murray: Mr. Chair, Commissioner Varone.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: It was my understanding on lots 10, 11 and 12 rather than the County not wanting them for a buffer that Scratch Gravel Land District and yourself couldn't agree on a price of the lots, and that's why the landfill district didn't buy them. Is that it?

John Herrin: No, there was never a discussion of price at least I wasn't party to any discussions on price. I wished we would have gone there, because, quite frankly, in my opinion, that, the landfill is proposed to come within 150 feet of this property and there is ground water potential issues there that I felt was in the best interest of the County to have that property and that's why I offered it. And I was willing to offer a discount, a significant discount relative to what I would get if I sold them as residential properties. And there was no discussion back and forth. They just basically came back and said "no, we don't want it." So I had no choice but to proceed with selling the lots.

Commissioner Murray: Thanks. I misunderstood the conversation. I'm not on the Scratch Gravel Landfill Board but it was my understanding a price couldn't be agreed to.

John Herrin: I wished we would have gone there. I really was trying to work that way, and I really never had a offer, never had discussions, I just heard the next time around the Scratch Gravel District decided not to purchase the property, so I just proceeded with the subdivision.

Ron Alles: If I may elaborate.

Chairman Tinsley: Mr. Alles.

Ron Alles: Mr. Commissioner. I think that Mr. Herrin is correct, to a point. I don't know that we ever got to specific discussions in price but there was considerable discussion on the landfill or the County's responsibility as it relates to purchasing property near the landfill. We already own that property, the landfill's been in place there, so whoever owns the property near and abutting to the landfill already recognizes that a landfill is going to be present there. If we purchase this property, then do we need to purchase additional boarder property around the landfill, the whole 160 acres or you know there was considerable discussion as it related to that. Hence, I know this subdivision does include a buffer zone in building next to the landfill property and it's future expansion to that quadrant of the subject in question there.

Commissioner Murray: Thanks.

Chairman Tinsley: Further questions for the Applicant? Thank you Mr. Herrin, I appreciate your comments this morning.

John Herrin: This is that 150-foot setback requirement for building construction from the landfill.

Chairman Tinsley: Thank you for your comments this morning.

John Herrin: Thank you.

Chairman Tinsley: We have extended the request of the Applicant, the review period until Tuesday, the 2nd? Is there a motion?

Commissioner Varone: So moved.

Commissioner Murray: Second.

Chairman Tinsley: Well is there a motion for the final approval. Is that what you're talking about?

Commissioner Varone: For the. My motion, my motion is, I'll make mine formal.

Chairman Tinsley: There you go. (Laughter.)

Chairman Tinsley: I was pointing out the extension had been approved earlier.

Commissioner Varone: Mr. Chair, I make a motion to make a decision on the proposed subdivision, preliminary plat to be known as Hoff Lot 3 Amended on Tuesday, the 2nd.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second to render a final decision on Tuesday the 2nd. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Public Hearing for American Chemet Tax Abatement Request.

Chairman Tinsley: All right. Public hearing for American Chemet Tax Abatement request. Mr. Schindler has been waiting patiently and I should have moved him up and I apologize. I'm sure I'll hear about it some other time. (Laughter.) Miss Everson, please.

Nancy Everson: Mr. Chairman, Commissioners. You have before you a tax abatement request submitted by the American Chemet Corporation, located in East Helena. There are State Statutes that govern the tax abatement requests, section 15, 24, 1401 and 1402, specify certain criteria that must be met by an expanding industry to qualify for a tax abatement by a local government. This section of the law allows local governments to grant tax abatements for qualifying improvements or modernized processes for new and expanding industry. And American Chemet is requesting that Lewis and Clark County and also the City of East Helena, consider granting the abatement for construction of a new building and the purchase of new equipment and modernizing the plant in East Helena. On the specific criteria that needs to be met for the new and expanding industry; first of all expansion means that the industry has added after July 1, 1987 at least \$50,000.00 worth of qualifying improvements or modernizing processes and American Chemet estimates the cost of improvements and equipment to be approximately \$4.4 million. The Department of Revenue concurs with this cost estimate. The second criteria is that the industry engages in the transportation, warehousing or distribution of

products or materials. If 50% or more of the industries gross sales or receipts are earned outside of the State. Virtually all of American Chemet sales are outside the state of Montana. The Applicant must successfully completed the application form and that application form has been completed and is included in your packet, and the Applicant must be current on all property taxes. And per the Lewis and Clark County Treasurers office American Chemet is current on all of their property taxes. The estimated value of this tax abatement, the tax abatement per statute runs for 10 years, this will be effective from 2005 to 2014. It is 50% of the value of improvements for the first 5 years, and then dropping off 40, 30, 20, 10 and 0 in 2014. That estimated value for the County is \$63,228.00. The City abatement, \$35,174.00, the East Helena School District approximately \$121,000, and then the high school district, the Helena School District, approximately \$40,000. These are just estimates based on the 2004 tax value. So certainly subject to change, as tax laws change. Other discussion is American Chemet Corporation is a major employer in East Helena. They've grown since inception in 1947 to become the world's largest producer of cuprous oxide. The recent expansion of the plant effectively doubled the company's capacity.

Chairman Tinsley: Could you spell that for the record? (laughter.)

Nancy Everson: Staff does recommend approval of this tax abatement. This is really the purpose that these tax abatement statutes were established for this type of industry. The economic impacts from this expansion are significant. This is a public hearing and the City of East Helena will hold their public hearing next Tuesday, on August 2nd.

Chairman Tinsley: I will open the Public Hearing in just a moment. I was going to invite Mr. Schindler up if he had any comments he'd like to make.

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray, do you have a question?

Commissioner Murray: Miss Everson didn't hit a point that we need. Given our track record lately with tax abatements has the County Attorney's office reviewed the abatement?

Nancy Everson: Yes, the Deputy County Attorney has reviewed this abatement and the accompanied resolution to grant the abatement if approved, and has noted that it is legal.

Chairman Tinsley: Mr. Schindler, please.

Eric Schindler: Thank you Commissioner Tinsley, Commissioner Varone, Commissioner Murray. My name is Eric Schindler, I reside at 1 Reeders Village Drive here in Helena, and I am Vice-President, Chief Financial Officer for American Chemet Corporation in East Helena. I want to thank you for considering this tax abatement today. American Chemet has been out in East Helena for almost 60 years now. When we looked at this expansion, this expansion was driven by environmental change that made our products more favorable in the market place and new regulations, and we've experienced considerable growth in the last couple of years. We now have 130 plus employees employed in East Helena and when we considered this expansion, we looked very strongly at not just doing the expansion here but alternatives of building a plant in Europe or Asia, oh, excuse me, the east coast or Europe. And we had quite a contentious discussion and it was the decision of our Board of Directors to do the expansion in East Helena. And what led to that decision was the incentives, the economic incentives we were able to achieve here in Montana by staying here, including a value added loan from the Board of Investments which was authorized by the State Legislature, they gave us very a favorable interest rates on the expansion loan and the property tax abatements. So thank you very much for considering this today.

Chairman Tinsley: Thank you Mr. Schindler. Questions for Mr. Schindler? All right we're going to open the Public Hearing. Thank you very much.

This is a Public Hearing for a tax abatement application from the American Chemet Corporation. Are there any proponents? Any proponents?

Good Morning Chairman, Commissioners. My name is Ron Whitmoyer, I'm the Superintendent of Schools in East Helena. I just want to state for the record that American Chemet has been an outstanding partner in the educational system in East Helena schools and we appreciate what they've done for us, so we are in support of the tax abatement to further their business. Thank you.

Chairman Tinsley: Thank you Superintendent Whitmoyer. We appreciate your comments. Further proponents? Any further proponents for the second time? For the third and final time? Any opponents? Any opponents for the second time? For the third and final time? Any general testimony? In this case, seeing none, this closes the Public Hearing. Commissioners is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve request from American Chemet for a tax abatement and authorize Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone. It's really of note and I intend to vote in favor for this tax abatement, but as was pointed out by Mr. Schindler, this expansion could have resulted in a plant somewhere else in the United States or the world. The fact that this company produces cuprous oxide, which I believe goes into paint that keeps barnacles off the bottoms of sea going vessels. It probably would have saved them money to build a plant on a coast, where they're not shipping their product as they are out of Montana. I really applaud and appreciate the firm's faith in our County and the community of East Helena, to undergo an expansion plan, to create additional employment and keep the 130 jobs that we have in this County. I think it was a wonderful decision and I whole-heartedly support their tax abatement request.

Chairman Tinsley: Further discussion? I think we all agree with Commissioner Murray's comments and sentiments. All in favor of the motion to approve the resolution approving the tax abatement of application by American Chemet Corporation signify by saying Aye. Aye. Motion passes 3-0. Congratulations Mr. Schindler.

Public comments on matters not mentioned above.

All right. Last item on the agenda is public comments on matters not mentioned above. Is there any public comment? Hearing none we are adjourned. Thank you for your time this morning.

Adjourn. Adjourned at 10:08 a.m.